

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-20 are currently pending. Claims 1-3 and 9-20 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the Examiner requested a substitute specification “in proper idiomatic English;” Claims 3 and 11-16 were objected to regarding various informalities; Claims 19 and 20 were rejected under 35 U.S.C. § 101 as being directed to a non-statutory subject matter; and Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,629,135 to Ross, Jr. et al. (hereinafter “the ‘134 patent”).

In response to the objection to the specification, Applicants have amended selected paragraphs in the specification. However, Applicants respectfully traverse the request for a substitute specification. As best understood, the Office Action is implying that the current specification has not been written in proper idiomatic English and is not in compliance with 37 C.F.R. § 1.52(a) and (b). However, Applicants note that the Office Action has failed to provide a single example as to why the specification is not in proper idiomatic English and a substitute specification is required. Thus, the Office Action has failed to provide any evidence to support the request for a substitute specification, a requirement that places a substantial burden upon Applicants. Accordingly, Applicants respectfully traverse the objection to the specification.

Applicants respectfully submit that the objections to Claims 3 and 11-16 are rendered moot by the present amendment to those claims. Claims 3 and 11-16 have been amended to address the objections noted in the Office Action.

Applicants respectfully traverse the rejection of Claims 19 and 20 as being directed to non-statutory subject matter. In this regard, Applicants note that M.P.E.P. § 2106 states that “a signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature.” See also, *Ex parte Rice*,¹ in which the Board stated: “...we agree that signals do not become unpatentable subject matter just because of their transitory and informal nature.”

Amended Claim 1 is directed to a server device, comprising, *inter alia*: (1) a communications section which sends and receives predetermined information to and from at least one user terminal through a communication network; (2) an input form sender which sends input form information for inputting ID information for identifying at least one user in a predetermined ID form; (3) an ID information receiver which receives the ID information from the at least one user terminal through the communication section; (4) an information acquirer which acquires the user information corresponding to the at least one user from the user information storage section; (5) a member-form sender which sets the user information acquired by the information acquirer in member-form information used for inputting member information to generate thereby member form information having at least part of the member information set therein, and sends the generated member-form information to the at least one user terminal through the communications section; and (6) a member information receiver which receives the member information sent from the at least one user terminal. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.²

Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim.

¹ BPAI, February, 2003.

² See, e.g., Figs. 7 and 8 and the discussion related thereto in the specification.

Regarding the rejection of Claim 1 as anticipated by the '135 patent, the '135 patent is directed to an e-commerce outsourcing system and method that provides hosts with transparent, contact sensitive e-commerce supported pages. In particular, the '135 patent discloses a system in which merchants can design websites for allowing users to purchase items via the Internet. However, Applicants respectfully submit that the '135 patent fails to disclose a member-form sender which sets the user information acquired by an information acquirer in member-form information used for inputting member information to generate thereby member form information having at least part of the member information set therein, and sends the generated member-form information to at least one user terminal, as recited in Claim 1. Rather, the '135 patent merely discloses that a user may select a user name and password. In this regard, Applicants note that, regarding the rejection of Claim 1, the Office Action asserts that the input form sender, the ID information receiver, the information acquirer, the member form sender, the member information receiver, and the member information storage elements are all taught by the passage located at column 12, lines 1-19 of the '135 patent. However, an examination of this passage of the '135 patent reveals that the passage refers to Fig. 4 and describes a process for a host to register to gain access to the host manager system. Further, Applicants respectfully submit that this section in the '135 patent merely discloses the collection of information from the user by the system. A member-form sender which sets the user information acquired by the information acquirer (which acquires user information corresponding to the at least one user from the user information storage section) in member form information used for inputting member information to thereby generate member form information having at least part of the member information set therein, is not disclosed by the '135 patent. Accordingly, Applicants respectfully submit that Claim 1 patentably defines over the '135 patent.

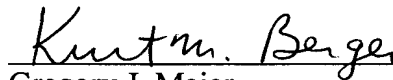
Independent Claims 2, 9, 10, and 17-20 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 2, 9, 10, and 17-20 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons set forth above for the patentability of Claim 1, Applicants respectfully submit that the rejection of Claims 2, 9, 10, and 17-20 (and all associated dependent claims) are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 2, 9, 10, and 17-20 (and all associated dependent claims) patentably define over the '135 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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